

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET, SUITE 200
DENVER, COLORADO 80202-2466

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. §1251 et. seq.), except as provided in Part 1.4 of this permit, any operator who:

- submits a complete application and Storm Water Pollution Prevention Plan (SWPPP) in accordance with Part 1.3,
- for a discharge of stormwater associated with industrial activities (see Part 1.6),
- that is located where EPA is the permitting authority (see Part 1.2), and
- that eligible for permit coverage under Part 1.2,

is authorized to discharge stormwater to waters of the United States in accordance with the requirements set forth herein.

This permit shall become effective **to be determined upon issuance**

This permit and the authorization to discharge shall expire at midnight, **to be determined upon issuance**

Signed this day of

Authorized Permitting Official

Stephen S. Tuber, Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance
Title

TABLE OF CONTENTS

1. COVERAGE UNDER THIS PERMIT
 - 1.1. Authority to Discharge
 - 1.2. Permit Area
 - 1.3. Application, Due Dates
 - 1.4. Limitations of Coverage
 - 1.5. Permit Authorization Procedures
 - 1.6. Industries Covered Under this Permit
 - 1.7. Individual Permit Criteria
 - 1.8. Endangered Species Act (ESA) Eligibility Procedures
 - 1.9. National Historic Preservation Act (NHPA) Eligibility Procedures
2. STORM WATER MANAGEMENT CONTROLS
 - 2.1. Good Housekeeping
 - 2.2. Identification of Potential Pollutant Sources and Best Management Practices
 - 2.3. Preventative Maintenance
 - 2.4. Spill Response Procedures
 - 2.5. Material Handling/Waste Management
 - 2.6. Employee Training Program
 - 2.7. Record Keeping and Quality Assurance
 - 2.8. Erosion/Sediment Control
 - 2.9. Identification of Discharges other than Storm Water
 - 2.10. Periodic Visual Inspections of a Facility
 - 2.11. Comprehensive Facility Inspections
3. STORM WATER POLLUTION PREVENTION PLAN
 - 3.1. Storm Water Pollution Prevention Plan Contents
 - 3.2. SWPPP Administrator
 - 3.3. Storm Water Management Controls
 - 3.4. Annual Reports
 - 3.5. SWPPP Preparation and Implementation
 - 3.6. EPA Review/Change
 - 3.7. Operator Review/Change
 - 3.8. Operator Review/Change
 - 3.9. SWPPP Availability
4. COMPLIANCE RESPONSIBILITIES
5. GENERAL REQUIREMENTS

APPENDIX A – ENDANGERED SPECIES ELIGIBILITY PROCESS

APPENDIX B – HISTORIC PROPERTIES ELIGIBILITY PROCESS

1. COVERAGE UNDER THIS PERMIT

- 1.1. Authority to Discharge. Under this general permit, facilities engaged in industrial activity as listed in Part 1.6 are granted authorization to discharge storm water associated with industrial activity into waters of the United States.
- 1.2. Permit Area. Permit coverage for storm water discharges from industrial activity is provided by legally separate and distinctly numbered permits. If your industrial activities are located within the following areas, you may be eligible for coverage under this permit using the following permit numbers:

COR05*##F	Federal Facilities in the State of Colorado, except those located on Indian country
COR05*##I	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR05*##I	Indian country within the State of Montana
NDR05*##I	Indian country within the State of North Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under permit SDR05*##I listed below), as well as that portion of the Standing Rock Reservation located in South Dakota
SDR05*##I	Indian country within the State of South Dakota (except for the Standing Rock Reservation, which is covered under permit NDR05*##I listed above), as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota
UTR05*##I	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (permitted through EPA Region 9)
WYR05*##I	Indian country within the State of Wyoming

* The middle numbers will be provided by EPA upon the time of issuance and are specific to the facility being permitted

- 1.3. Application.
- 1.3.1. At least **180 days** prior to the anticipated date of discharge, you must submit both an application to be covered under the , and a pollution prevention plan to the EPA Region 8 Office. For existing discharges covered under the MSGP 2000, you must submit the application and pollution prevention plan no later than **90 days** after the effective date of this permit.
- 1.3.2. One **signed and dated** original of the completed application shall be submitted by mail to:

Storm Water Coordinator (8P-W-WW)
 Industrial Storm Water Application
 US EPA Region 8
 1595 Wynkoop Street
 Denver, CO 80202

1.3.3. The application requires, at a minimum, the following information:

- 1) Name, title, and address of principal in charge of operation of the facility;
- 2) Site address and location, including latitude and longitude coordinates;
- 3) Facility contact person, phone number and E-mail address;
- 4) Standard Industrial Classification (SIC) code(s) that apply to the facility;
- 5) Facility description/industrial activities which take place at the site;
- 6) List of other environmental permits currently held by the facility;
- 7) A description of the receiving waters;
- 8) Based on the requirements of Part 1.8, a description of how the eligibility criteria for listed species and critical habitat have been met;
- 9) Based on the requirements of Part 1.9, a description of how the eligibility criteria for historic properties have been met;
- 10) A certification that all outfalls that may contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of non-storm water discharges. The certification must include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during the test;
- 11) Any existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three years prior to the submittal of the application;
- 12) Submittal of a complete pollution prevention plan (see Part 3); and
- 13) Signature and certification by an appropriate official (see Part 5.7). The application must include the certification statement from Part 5.7.4.

1.3.4. Storm Water Pollution Prevention Plan (SWPPP) Submittal: The SWPPP submitted to EPA must specifically include the requirements as specified in Part 3. The SWPPP is intended to be a working document which includes only site-specific information. The plan submitted to EPA for approval cannot be more than 100 pages in length (assuming use of a 12pt. font and 8½"x11" paper) and must include only information specific to the regulated activity. Plans submitted which are excessive in length or include excessive amounts of arbitrary information (e.g., excerpts from the Clean Water Act) will be returned for re-submittal.

1.3.5. Optional Application Form: An optional application form is provided on the EPA Region 8 web site at www.epa.gov/region8/stormwater. While it is not required for you to use this form to meet the requirements of the general permit, you are encouraged to download and use this form to allow for more efficient recordkeeping and to ensure that all of the application requirements are met.

1.4. Limitations on Coverage.

1.4.1. Storm Water Discharges Associated with Construction Activity: This permit does not authorize storm water discharges associated with construction activity. These activities are covered by EPA's general permit for discharges from construction activities.

1.4.2. Wasteload Allocations: This permit does not authorize discharges when a Total Maximum Daily Load (TMDL) specifically defines a wasteload allocation requiring more stringent controls than required by this permit unless the controls specified in the TMDL are met. Where an EPA-approved or established TMDL has defined specific requirements for individual sites or

industrial activities covered under this permit, the EPA Region 8 office will inform you of any controls necessary to be in compliance with the wasteload allocations defined therein. Failure to implement these controls within **180 days** or an alternate timeframe specified by EPA is a violation of this permit.

- 1.4.3. Endangered and Threatened Species and Critical Habitat: This permit does not authorize discharges which are likely to adversely affect any species that are federally listed under the Endangered Species Act or their designated critical habitats.
- 1.4.4. Discharges Subject to Effluent Limitations Guidelines: This permit does not authorize discharges subject to any effluent limitations guideline.
- 1.4.5. Historic Properties Preservation: Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are in compliance with the National Historic Preservation Act.
- 1.4.6. Hazardous Substances: Discharges of a hazardous substance or oil in excess of reportable quantities caused by a non-storm water discharges (e.g., spill of oil into a separate sewer) are not authorized by this permit. In the event of a spill, the requirements of Section 311 of the Clean Water Act and other applicable provisions of Sections 301 and 402 of the Clean Water Act continue to apply. In addition, the reporting requirements of Part 5.17 of this permit apply. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 or 40 CFR 302. Any discharge of hazardous substances must be handled in accordance with the notification requirements as specified in Part 2.4 of the permit.
- 1.4.7. Storm water discharges which cause or contribute to a violation of water quality standards: This permit does not authorize discharges which cause or contribute to a violation of State or Tribal water quality standards or discharges which do not comply with the applicable State or Tribal anti-degradation policy for water quality standards. If at any time EPA determines that your discharge causes or contributes to an exceedence of water quality standards, EPA will inform you of any corrective actions necessary to ensure compliance with water quality standards. Failure to implement these corrective actions within **180 days** or an alternate timeframe specified by EPA is a violation of this permit.
- 1.4.8. Discharges of industrial process wastewater: This permit does not authorize discharges of industrial process water, sanitary wastewater, or discharges of storm water commingled with process wastewater. These must be addressed in a separate NPDES permit issued for that discharge.
- 1.4.9. Prohibition of non-storm water discharges: Except as provided below, all discharges authorized by this permit shall be composed entirely of storm water discharges associated with industrial activity. Discharges of material other than storm water must be addressed in a separate NPDES permit issued for that discharge.

Discharges from the following sources may be authorized by this permit, provided that:

- 1) Appropriate control measures to minimize the impacts of such sources are implemented as needed;

- 2) The non-storm water component(s) of the discharge do not cause or contribute to a violation of water quality standards and do not exceed any applicable TMDL load allocations; and
- 3) The non-storm water component(s) of the discharge and the control measure(s) used are identified in the SWPPP.

These sources include discharges from emergency fire fighting activities; fire hydrant flushing; routine external building washdown that does not use detergents; uncontaminated compressor condensate; irrigation drainage; lawn watering; air conditioner condensate; uncontaminated springs; foundation or footing drains where flows are not contaminated; and incidental windblown mist from cooling towers that collects on rooftops of adjacent portions of the facility, but NOT intentional discharges from the cooling tower.

- 1.5. Permit Authorization Procedures. If the general permit is applicable, and the application and SWPPP are complete, then a letter will be sent authorizing coverage under this general permit.
 - 1.5.1. Request for Additional Information: EPA shall have up to thirty days after receipt of the above information to request additional data and/or deny the authorization for any particular discharge. Upon receipt of additional information, the EPA shall have an additional fifteen days to issue or deny authorization for the particular discharge or request additional information.
 - 1.5.2. Permit Authorization: Authorization to discharge in accordance with the conditions of this permit will not be granted until EPA approves the application and the pollution prevention plan. Upon approval of the application and pollution prevention plan, EPA will provide written authorization approving the operator to discharge in accordance with the conditions of this permit.
 - 1.5.3. Individual Permit Required: If, after evaluation of the application (or additional information, such as the SWPPP), it is found that this general permit is not applicable to the operation, then the application will be processed as one for an individual permit. The applicant will be notified of the EPA's decision to deny certification under this general permit. For an individual permit, additional information may be requested, and 180 days will be required to process the application and issue the permit. Temporary coverage under this general permit may be allowed until the individual permit goes into effect.
 - 1.5.4. General vs. Individual Permit Coverage: Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual NPDES permit. The operator shall submit an individual application, with reasons supporting the request, to the EPA at least 180 days prior to any discharge.
 - 1.5.5. Changes Requested by EPA: Any changes requested by EPA to ensure compliance with TMDL wasteload allocations or water quality standards must be completed within **180 days** of notification by EPA unless an alternate timeframe is approved by EPA.
 - 1.5.6. Terminating Coverage: If you wish to terminate coverage under this permit, you must submit a signed and certified request to EPA at the address specified in Part 1.3. You must continue to comply with the terms of this permit until written notification is provided by the EPA Region 8 office recognizing termination of permit coverage.

You must submit a request for termination of this permit within 30 days after one or more of the following conditions are met:

- 1) A new owner or operator has assumed responsibility for the facility; or
- 2) You have ceased operations at the facility and there are no longer discharges of storm water associated with industrial activity; or
- 3) You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

1.5.7. Conditional Exclusion for No Exposure: If you are covered by this permit, but later are able to file a “no exposure” certification to be excluded from permitting under 40 CFR 122.26(g), you are no longer authorized by nor required to comply with this permit. If you are no longer required to have permit coverage due to a “no exposure” exclusion, you are not required to submit a Notice of Termination.

1.6. Industries Covered Under this Permit.

1.6.1. Types of Industries Covered, by Standard Industrial Classification (SIC) Codes: 13, 20, 21, 22, 23, 24 (except 2491), 25, 26, 27, 2951 (asphalt batch plants), 31, 32 (except 3241, 3274), 34, 35, 36, 37, 38, 39, 4221, 4222, 4225, 4952 (wastewater treatment plants with a design flow of 1.0 MGD or more, or required to have an approved pretreatment program under 40 CFR 403), and transportation facilities which have vehicle maintenance, fueling, equipment cleaning or airport deicing including 40 41, 42 (except 4221, 4222, 4225), 43, 44, 45 (air transportation facilities that use less than 1000 gallons of deicer(s) annually, and/or that have annual fuel sales of less than one million gallons/year), and 5171.

1.6.2. For any facilities which do not require coverage under the storm water regulations, but still wish to be covered under this general permit, the EPA reserves the right to certify them under this permit.

1.6.3. The EPA reserves the right, upon petition, or through direct agency review, to include under this general permit any specific facility not otherwise covered. This determination would be based on the reasonable potential of a specific industrial discharger to contribute to a violation of a water quality standard, or to be a significant contributor of pollutants to waters of the United States.

1.7. Individual Permit Criteria. Various criteria can be used in evaluating whether or not an individual (or alternate general) permit is required instead of this general permit. This information may come from the application, pollution prevention plan, or additional information as requested by EPA Region 8, and includes, but is not limited to, the following:

- 1.7.1. The quality of the receiving waters (e.g., the presence of downstream drinking water intakes or a high quality fishery, or for preservation of high quality water);
- 1.7.2. The type of industry, including pollution potential;
- 1.7.3. The volume and type of materials handled;

- 1.7.4. The size of the facility;
- 1.7.5. Evidence of noncompliance under a previous permit for the operation;
- 1.7.6. The use of chemicals within the storm water system;
- 1.7.7. Discharges of pollutants of concern to waters for which there is a Total Maximum Daily Load (TMDL) established; or
- 1.7.8. An individual permit may be required when the EPA has shown or has reason to suspect that the storm water discharge may contribute to a violation of a water quality standard.

1.8. Endangered Species Act (ESA) Eligibility Provisions.

- 1.8.1. Consistency with the ESA: Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to:

- 1.8.1.1. Jeopardize the continued existence of any species that are listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"); or
 - 1.8.1.2. Cause a prohibited "take" of endangered or threatened species (as defined under Section 3 of the Endangered Species Act and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the Endangered Species Act.

By submitting a signed application, the applicant certifies that it has met all eligibility criteria in this section.

- 1.8.2. Eligibility Criteria: Appendix A of this permit establishes a process that must be used to determine permit eligibility related to this provision. This eligibility must be evaluated before the application is submitted to EPA. You must meet one or more of the following criteria for the entire term of coverage under the permit:

- 1.8.2.1. Criterion A: No endangered or threatened species or critical habitat are in proximity to the facility or the point where authorized discharges reach waters of the United States; or
 - 1.8.2.2. Criterion B: In the course of a separate federal action involving your facility, formal or informal consultation with the Fish and Wildlife Service (FWS) under Section 7 of the ESA has been concluded and that consultation:

Addressed the effects of the storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat; and

The consultation resulted in either a no jeopardy opinion or a written concurrence by the FWS on a finding that the storm water discharges, allowable non-storm water discharges,

and discharge-related activities are not likely to adversely affect listed species or critical habitat; or

- 1.8.2.3. Criterion C: Your activities are authorized under Section 10 of the ESA and that authorization addresses the effects of the storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat; or
 - 1.8.2.4. Criterion D: You have evaluated, using best judgment and knowledge, the effects of the storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed endangered or threatened species and critical habitat. Based on the evaluation, you have determined that storm water discharges associated with industrial activity, discharge-related activities, and allowable non-stormwater discharges are not likely to adversely affect listed species and critical habitat; or
 - 1.8.2.5. Criterion E: The storm water discharges, allowable non-storm water discharges, and discharge-related activities were already addressed in another operator's certification of eligibility which includes your industrial activities. By certifying eligibility under this Part, you agree to comply with any measures or controls upon which the other operator's certification was based.
- 1.9. National Historic Preservation Act (NHPA) Eligibility Provisions. In order to be eligible for coverage under this permit, you must be in compliance with the National Historic Preservation Act. Appendix C of this permit provides guidance and references to assist with determining permit eligibility concerning this provision. Discharges may be authorized under this permit only if:
- 1.9.1. Criterion A: Storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or
 - 1.9.2. Criterion B: You have obtained and are in compliance with a written agreement with the State Historic Preservation Officer (SHPO) that outlines all measures you will undertake to mitigate or prevent adverse effect to the historic property.

2. STORM WATER MANAGEMENT CONTROLS

You must identify, describe and implement appropriate facility specific controls that will reduce or prevent pollutants in storm water. These must include all of the storm water management controls required in Parts 2.1-2.11. If there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State, or if the storm water controls prove to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity, existing controls need to be modified or additional controls may be necessary. If existing controls need to be modified or if additional controls are necessary, new controls must be implemented before the next anticipated storm, or not more than **60 days** after deficiencies are recognized. Failure to take corrective actions within this timeframe is a violation of this permit.

You must implement the following requirements described below throughout your facilities unless clearly inapplicable to the facility. If any of the requirements are not applicable to the facility, you shall include a

written explanation of inapplicability in your SWPPP. You may use alternative controls instead of those provided only if you provide specific justification in your SWPPP explaining why the controls can not be implemented, and what alternative controls have been implemented that will reduce or prevent pollutants in storm water discharges at least to the same degree. You have the burden to show that alternative controls are at least as effective as the required controls. For newly-certified facilities, if existing controls are inadequate to achieve the general objective of controlling pollutants in storm water discharges associated with industrial activity, any schedule to implement additional controls to meet this objective shall not exceed 60 days from when the facility begins operations, or from when the general permit certification is issued, whichever is later, unless permission for a later deadline is obtained from the EPA. New controls that will replace or modify existing controls that are already adequately addressing a pollutant source are not required to meet this schedule (e.g., replacing a control with a less resource-intensive practice).

2.1. Good Housekeeping includes procedures to maintain a clean and orderly facility. You must:

- 2.1.1. Inspect weekly all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, wastes, and spilled, tracked, or leaked materials shall be cleaned and disposed of properly. Weekly inspections may be suspended during periods when there is no outdoor exposure of industrial activities or materials. If a different inspection schedule is prescribed by regulation for a particular facility or type of facilities (such as closed landfills) the schedule can be adjusted to follow the applicable regulation;
- 2.1.2. Implement controls to reduce or prevent material tracking (e.g., sediment, debris) offsite;
- 2.1.3. Ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;
- 2.1.4. Cover all stored industrial materials (including salt used for deicing or other commercial or industrial purposes) that can be readily mobilized by contact with storm water;
- 2.1.5. Contain all stored non-solid industrial materials (such as liquids and powders) that can be transported or dispersed via wind dissipation or contact with storm water;
- 2.1.6. Prevent disposal of any rinse/wash waters or industrial materials into the storm drain system. Disposal of rinse/wash waters or industrial materials into the storm drain is not authorized by this permit;
- 2.1.7. Minimize the use of chemicals (e.g., MgCl) for dust suppression and eliminate the use of chemical dust suppressants within 20 feet of a water crossing; and
- 2.1.8. Divert storm water or authorized non-storm water flows to the extent practicable from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non-industrial areas that contact industrial areas of the facility are subject to this General Permit's requirements.

2.2. Identification of Potential Pollutant Sources and Best Management Practices. You must:

- 2.2.1. Identify potential sources of pollutants at the site, and assess the potential of these sources to contribute pollutants to storm water. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced, or discharged, the likelihood of contact with storm water, and history of significant leaks or spills of toxic or hazardous substances. For each potential source of pollutants, you must implement Best Management Practices (BMPs) to reduce the potential of these sources to contribute pollutants to storm water discharges.
- 2.2.2. Evaluate each of the following sources and install BMPs as necessary:
 - 1) Loading and unloading operations;
 - 2) Outdoor storage activities;
 - 3) Outdoor manufacturing or processing activities;
 - 4) Significant dust or particulate generating processes;
 - 5) On-site waste disposal practices;
 - 6) Salt piles;
 - 7) Procedures and/or products used for deicing and dust suppression; and
 - 8) Areas where significant spills and significant leaks of toxic or hazardous substances have occurred at the facility.
- 2.2.3. Maintain a list of spills and leaks that occurred during the year and document them in the semi-annual Comprehensive Facility Inspection.
- 2.3. Preventative Maintenance includes material handling and waste management and generally addresses the procedures necessary to minimize the potential for spills and leaks during material handling and to minimize exposure of materials that can be mobilized by contact with storm water or transported via wind erosion during material handling. Preventative maintenance BMPs generally include the regular inspection and maintenance of facility equipment and systems used outdoors (such as forklifts, process machinery, storage containers, etc) to prevent spills and leaks from occurring due to age, use, malfunction, or damage. You must:
 - 2.3.1. Identify all equipment and systems used outdoors that may spill or leak pollutants;
 - 2.3.2. Inspect weekly each of the identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks. Weekly inspections may be suspended during periods when there is no outdoor exposure of the equipment and systems;
 - 2.3.3. Inspect and maintain storm water management devices (oil/water separators, catch basins, etc.);
 - 2.3.4. Where applicable, drain vehicles intended to be dismantled of all fluids upon arrival at the site, or employ some other equivalent means to prevent spills and leaks;
 - 2.3.5. Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours of use, mileage, age, etc; and
 - 2.3.6. Establish procedures for prompt maintenance and repair of equipment and systems when inspections detect leaks or when conditions exist that may result in the development of spills or leaks.

- 2.4. Spill Prevention and Response Procedures generally address incidents of spills or leaked material based upon the quantities and locations of significant materials that may spill or leak. You must:
- 2.4.2. Develop and implement spill response procedures. Response procedures must include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR Part 264 and 40 CFR Part 265;
 - 2.4.3. Provide preventative measures to prevent spills from discharging from the facility via the storm drain. These must include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
 - 2.4.4. Identify and describe all necessary and appropriate spill response equipment, location of spill response equipment, and spill response equipment maintenance procedures; and
 - 2.4.5. Identify and train appropriate spill response personnel.
- 2.5. Material Handling/Waste Management includes practices to minimize exposure of waste materials to storm water. You must:
- 2.5.1. Prevent or minimize handling of materials or wastes that can be readily mobilized by contact with storm water during a storm event;
 - 2.5.2. Divert run-on from material handling/waste management/storage areas;
 - 2.5.3. Contain non-solid materials or wastes that can be dispersed via wind erosion during handling;
 - 2.5.4. Minimize or eliminate (if possible) exposure of lead-acid batteries to runoff or precipitation;
 - 2.5.5. For facilities involved in automotive or scrap recycling, remove mercury switches from hood and trunk lighting units, chest freezer convenience lights, and gas stove mercury flame sensors;
 - 2.5.6. Cover waste disposal containers when not in use;
 - 2.5.7. Clean all spills of materials/wastes that occur during handling in accordance with the spill response procedures required in Part 2.4; and
 - 2.5.8. Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.
- 2.6. Employee Training Program ensures that all necessary personnel responsible for implementing the various compliance activities of this General Permit, including BMP implementation, inspections and evaluations, monitoring activities, and storm water compliance management are adequately trained. Training shall address topics such as spill response, good housekeeping and material management practices. You must:

- 2.6.1. Prepare or acquire appropriate training manuals or training materials;
- 2.6.2. Identify which personnel shall be trained, their responsibilities, and the type of training they shall receive;
- 2.6.3. Provide a training schedule; and
- 2.6.4. Maintain documentation of all completed training classes and the personnel who received training.
- 2.7. Record Keeping and Quality Assurance relates to the discharger's internal management effort to ensure compliance activities are completed properly and documented. You must:
 - 2.7.1. Keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual observations, etc.; and
 - 2.7.2. Develop and implement management procedures to ensure that the appropriate staff implements all requirements of this permit.
- 2.8. Erosion/Sediment Control typically includes practices to prevent erosion from occurring. This includes the planting and maintenance of vegetation to stabilize the ground, diversion of runoff and run-off away from areas subject to erosion, etc. Sediment control includes practices to reduce the discharge of sediment once erosion has occurred. It includes sedimentation ponds, silt screens, etc. You must:
 - 2.8.1. Implement erosion/sediment controls to divert runoff from areas subject to erosion; and
 - 2.8.2. Maintain erosion/sediment controls to achieve optimal performance during storm events.
- 2.9. Identification of Discharges other than Storm Water. You must evaluate the storm water conveyance system on the site for the presence of discharges other than storm water. Where dry weather discharges are observed, the operator must perform illicit discharge detection and elimination procedures and provide information in the annual report on the results of any evaluations, the method(s) used, the date of the evaluation(s), and the on-site drainage points that were directly observed during the evaluation(s).
- 2.10. Periodic Visual Inspections of a Facility are necessary to ensure that the SWPPP addresses any significant changes to the facility's operations or BMP implementation procedures. You must:
 - 2.10.1. During each reporting year, conduct a minimum of four quarterly visual inspections of all areas of industrial activity and associated potential pollutant sources. The annual comprehensive facility compliance evaluation described in Part 2.11 may substitute for one of the quarterly inspections;
 - 2.10.2. Implement any corrective actions and/or SWPPP revisions resulting from the inspection;
 - 2.10.3. Prepare a summary and status of the corrective actions and SWPPP revisions resulting from the quarterly inspections. This summary shall include a summary of weekly inspections required

for the preventative maintenance and good housekeeping control measures and shall be reported in the Annual Report; and

2.10.4. Certify in the Annual Report that each quarterly visual inspection was completed.

2.11. Comprehensive Facility Inspections In addition to the inspections necessary to comply with the preventive maintenance program requirements in Part 2.3, qualified personnel identified by the operator shall make a comprehensive inspection of their storm water management system, at least twice per year (in the spring and fall). These comprehensive inspections must be documented and summarized in the Annual Report. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs selected. Where semi-annual site inspections are impractical for sites where an employee is not stationed or does not routinely visit the site, inspections as required in this part must be conducted at appropriate intervals, but never less than once in two years. Where semi-annual site inspections are shown in the plan to be impractical for inactive sites (sites where industrial activity is no longer conducted), site inspections required by this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years. You must:

2.11.1. Inspect material handling areas, disturbed areas, areas used for material storage that are exposed to precipitation, and other potential sources of pollution identified in Part 2.2 for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures must be observed to ensure that they are operating correctly. A visual inspection of equipment needed to prevent pollutant discharges, such as spill response equipment, shall be made to confirm that it is readily available and in proper working order;

2.11.2. Conduct repairs or maintenance as identified during the inspection; and

2.11.3. Produce a report summarizing the inspection, personnel making the inspection, the date(s) of the inspection, significant observations, and actions taken in accordance with Part 2.11.2. The report must be retained for at least three years after the date of the inspection. Significant observations include the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of spills or direct discharges of process water; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report must also document any incidents of noncompliance observed.

3. STORM WATER POLLUTION PREVENTION PLAN

A Storm Water Pollution Prevention Plan (SWPPP) must be developed for each facility covered by this permit. It must include BMPs that are selected, installed, implemented and maintained in accordance with good engineering practices. (The plan need not be completed by a registered engineer.) Any SWPPP prepared before XXX (insert date of permit issuance) that does not meet all of the requirements listed herein must be amended to conform with the SWPPP requirements in this permit. Such amendments must be completed within 60 days after the effective date of the permit.

- 3.1. Storm Water Pollution Prevention Plan Contents. The SWPPP must include the following items, at a minimum:
 - 3.1.1. Industrial Activity Description. The plan shall provide a narrative description of the industrial activity taking place at the site.
 - 3.1.2. Site Map. The plan shall include a site map indicating the following:
 - 1) The areas where industrial activities occur;
 - 2) The locations of storm water outfalls and an approximate outline of the areas draining to each outfall;
 - 3) The locations of paved areas and buildings within the drainage area of each storm water outfall;
 - 4) The locations of each past or present area used for outdoor storage or disposal of significant materials;
 - 5) The locations areas where pesticides, herbicides, soil conditioners, and fertilizers are applied;
 - 6) The locations of wells where fluids from the facility are injected underground;
 - 7) The locations of existing and new structural control measures to reduce pollutants in storm water runoff;
 - 8) The locations of all surface water bodies, including dry water courses, located in or next to the facility, including all surface water bodies within 1 mile of the site;
 - 9) The locations of all storm water conveyances located on site and an indicator of the direction of flow for the conveyances;
 - 10) The locations and sources of run-on to your site;
 - 11) The location and description of non-storm water discharges;
 - 12) Locations of potential pollutant sources as identified in Part 2.2;
 - 13) Locations where significant spills or leaks as identified in Part 2.4 occurred;
 - 14) Locations of storm water inlets and outfalls; and
 - 15) Locations of the following locations where such activities are exposed to precipitation:
 - a) Vehicle fueling,
 - b) Airplane deicing,
 - b) Vehicle equipment maintenance and/or cleaning areas,
 - c) Loading/unloading areas,
 - d) Liquid storage tanks,
 - e) Processing and storage areas,
 - f) Access roads, rail cars, and tracks,
 - g) Transfer areas for substances in bulk, and
 - h) Areas used for the treatment, storage, or disposal of wastes
- 3.2. SWPPP Administrator. The SWPPP must identify a specific individual(s) within the plant organization who is responsible for developing the plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the administrator shall address all aspects of the facility's SWPPP.
- 3.3. Storm Water Management Controls. Each facility covered by this permit must develop storm water management controls appropriate for the facility as required in Parts 2.1-2.11 and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls

must include a schedule for implementing such controls for each of the areas referenced in Parts 2.1-2.11.

- 3.4. Annual Reports. Summaries from the periodic visual inspections and the comprehensive facility inspections as required in Parts 3.6 and 3.8 must be included in the SWPPP.
- 3.5. SWPPP Preparation and Implementation. The SWPPP must be prepared prior to applying for coverage under the general permit, and certification of this submitted with the application. The SWPPP shall be implemented when the facility begins operations, or when the general permit certification is issued, whichever is later, and updated as appropriate (see Parts 3.6-3.8).
- 3.6. EPA Review/Change. Upon review of the SWPPP, the EPA may notify the operator at any time that the plan does not meet one or more of the minimum requirements of this permit. After such notification, the operator must make changes to the plan and submit an update to the plan including the requested changes. Unless otherwise provided by the EPA, the operator will have 30 days after such notification to both make the necessary changes to the plan and to implement them.

If the EPA determines that the operator's discharges may cause, have the reasonable potential to cause, or contribute to an exceedence above any applicable water quality standard, the EPA may require the operator, within a specified time period, to develop and implement a supplemental BMP action plan describing SWPPP modifications to adequately address the identified water quality concerns.

- 3.7. Operator Review/Change. The operator must amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the US, or if the storm water controls prove to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. If existing BMPs need to be modified or if additional BMPs are necessary, the plan changes and implementation must be completed before the next anticipated storm, or not more than **60 days** after: the change in design, construction, operation, or maintenance, or; the SWPPP has been determined to be ineffective, unless this time frame is extended by the EPA. Amendments to the plan shall be summarized in the next Annual Report. The EPA reserves the right to require additional measures to prevent and control pollution, as needed.
- 3.8. SWPPP Availability. All SWPPPs required under this permit are considered reports that must be available to the public under Section 308(b) of the Clean Water Act. EPA shall make plans available to members of the public upon request. However, the operator may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR Part 2.

4. COMPLIANCE RESPONSIBILITIES

- 4.1. Duty to Comply. The permittee must comply with all conditions of this permit. Any failure to comply with the permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application. The permittee shall give the director

advance notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.

- 4.2. Penalties for Violations of Permit Conditions. The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to adjust the civil monetary penalties for inflation on a periodic basis. EPA previously adjusted its civil monetary penalties on December 31, 1996 (61 Fed. Reg. 69359-69365), with technical corrections and additions published on March 20, 1997 (62 Fed. Reg. 13514-13517) and June 27, 1997 (62 Fed. Reg. 35037-35041). On February 13, 2004 (69 Fed. Reg. 7121-7127) EPA once again adjusted its civil monetary penalties. The civil and criminal penalties, as of March 15, 2004, for violations of the Act (including permit conditions) are given below:
- 4.2.1. Any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$32,500 per day for each violation.
- 4.2.2. Any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment for not more than 2 years, or both.
- 4.2.3. Any person who knowingly violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment for not more than 6 years, or both.
- 4.2.4. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- 4.2.5. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed \$11,000 per violation, with a maximum amount not to exceed \$32,500. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed \$11,000 per day for each day during which the violation continues, with the maximum amount not to exceed \$157,500.
- 4.3. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 4.4. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- 4.5. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.
 - 4.5.1 The permittee shall, as soon as reasonable and practicable, but no later than six (6) months after the effective date of this permit, do the following as part of the operation and maintenance program for the wastewater treatment facility:
 - 4.5.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;
 - 4.5.1.2. Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;
 - 4.5.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
 - 4.5.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).
 - 4.5.2. The permittee shall maintain a daily log in a **bound notebook(s)** containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the notebook shall include the following information:

- 4.5.2.1. Date and time;
- 4.5.2.2 Name and title of person(s) making the log entry;
- 4.5.2.3. Name of the persons(s) performing the activity;
- 4.5.2.4. A brief description of the activity; and,
- 4.5.2.5. Other information, as appropriate.

The permittee shall maintain the notebook in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or **the State of the specified Tribe.**

- 4.6. Removed Substances. Collected screenings, grit, solids, sludge, or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and **state tribal** regulations (i.e., 40 CFR 257, 40 CFR 258, 40 CFR 503) and in a manner so as to prevent any pollutant from entering any waters of the United States or creating a health hazard. **In addition, the use and/or disposal of sewage sludge shall be done under the authorization of an NPDES permit issued for the use and/or disposal of sewage sludge by the appropriate NPDES permitting authority for sewage sludge.** Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.

4.7. Bypass of Treatment Facilities.

- 4.7.1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts 4.7.2. and 4.7.3.
- 4.7.2. Notice.
 - 4.7.2.1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass to the USEPA, Technical Enforcement Program, and **the State of , or the Tribe.**
 - 4.7.2.2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part 5.17., Twenty-four Hour Noncompliance Reporting, to the USEPA, Technical Enforcement Program, and **the State of or to the Tribe.**
- 4.7.3. Prohibition of bypass.
 - 4.7.3.1. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - 4.7.3.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- 4.7.3.1.2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
- 4.7.3.1.3. The permittee submitted notices as required under Part 4.7.2.
- 4.7.3.2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 4.7.3.1.

4.8. Upset Conditions

- 4.8.1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part 4.8.2. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).
- 4.8.2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 4.8.2.1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - 4.8.2.2. The permitted facility was at the time being properly operated;
 - 4.8.2.3. The permittee submitted notice of the upset as required under Part 5.17., Twenty-four Hour Notice of Noncompliance Reporting; and,
 - 4.8.2.4. The permittee complied with any remedial measures required under Part 4.4., Duty to Mitigate.
- 4.8.3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- 4.9. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- 4.10. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

- 4.10.1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - 4.10.1.1. One hundred micrograms per liter (100 ug/L);
 - 4.10.1.2. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter 500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - 4.10.1.3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
 - 4.10.1.4. The level established by the Director in accordance with 40 CFR 122.44(f).
- 4.10.2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - 4.10.2.1. Five hundred micrograms per liter (500 ug/L);
 - 4.10.2.2. One milligram per liter (1 mg/L) for antimony;
 - 4.10.2.3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,
 - 4.10.2.4. The level established by the Director in accordance with 40 CFR 122.44(f).

5. GENERAL REQUIREMENTS

- 5.1. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - 5.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or,
 - 5.1.2. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Director notice of any planned changes at least 30 days prior to their implementation.
 - 5.1.3. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.
- 5.2. Anticipated Noncompliance. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

- 5.3. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- 5.4. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- 5.5. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- 5.6. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- 5.7. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
 - 5.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 - 5.7.2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 5.7.2.1. The authorization is made in writing by a person described above and submitted to the Director; and,
 - 5.7.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 - 5.7.3. Changes to authorization. If an authorization under Part 5.7.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 5.7.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
 - 5.7.4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- 5.8. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- 5.9. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- 5.10. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- 5.11. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, tribal or local laws or regulations.
- 5.12. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- 5.13. Transfers. This permit may be automatically transferred to a new permittee if:
 - 5.13.1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 - 5.13.2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 - 5.13.3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part 5.13.2.

5.14. Permittees in Indian Country. EPA is issuing this permit pursuant to the Agency's authority to implement the Clean Water Act NPDES program in Indian country, as defined at 18 U.S.C. 1151. CHOOSE ONE and delete redline.

- 5.14. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.
- 5.15. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:
- 5.15.1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
- 5.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the State of , the Tribe and/or EPA for incorporation in this permit.
- 5.15.3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.
- 5.16. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity limitations if whole effluent toxicity is detected in the discharge.
- 5.17. Twenty-four Hour Notice of Noncompliance Reporting.
- 5.17.1. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region 8, Site Assessment/Emergency Response Program at (303) 293-1788, the State at () -, or the Tribe at () -.
- 5.17.2. A written submission shall also be provided to the USEPA, Office of Enforcement, Compliance and Environmental Justice, and to the State of or and to the Tribe within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
- 5.17.2.1. A description of the noncompliance and its cause;
- 5.17.2.2. The period of noncompliance, including exact dates and times;
- 5.17.2.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,
- 5.17.2.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- 5.17.3. The Director may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Part 5.17. if the incident has been orally reported in accordance with the requirements of Part 5.17.1.

APPENDIX A – ENDANGERED SPECIES ELIGIBILITY PROCESS

A. BACKGROUND

To meet its obligations under the Clean Water Act and the Endangered Species Act (ESA), the Environmental Protection Agency (EPA) is seeking to ensure the activities regulated by this general permit pose no adverse effect to endangered and threatened species and critical habitat. Operators applying for permit coverage must assess the impacts of their storm water discharges, allowable non-storm water discharges, and discharge-related activities on Federally listed endangered and threatened species (“listed species”) and designated critical habitat (“critical habitat”) to ensure that those goals are met. Prior to obtaining general permit coverage, applicants must meet the ESA eligibility provisions in Part 1.8 of this permit. EPA strongly recommends that you follow the process in this addendum at the earliest possible stage to ensure that measures to protect listed species and critical habitat are incorporated early in the planning process.

You also have an independent ESA obligation to ensure that their activities do not result in any prohibited “takes” of listed species¹. Many of the measures required in this general permit and in these instructions to protect species may also assist in ensuring that the applicant’s activities do not result in a prohibited take of species in violation of section 9 of the ESA. If you have plans or activities in areas that are not covered by this general permit, and where endangered and threatened species are located, they may wish to ensure that they are protected from potential takings liability under ESA section 9 by obtaining an ESA section 10 permit. You may also want to obtain a section 10 permit if there is a separate federal action regarding the industrial facility. Section 10 permits may be obtained by requesting formal consultation under ESA section 7 regarding that action. Applicants that are unsure whether to pursue a section 10 permit or a section 7 consultation for takings protection should confer with the appropriate U.S. Fish and Wildlife Service (FWS)² office.

B. THE ESA ELIGIBILITY PROCESS

Before submitting an application for coverage by this permit, you must determine whether you meet the ESA eligible criteria by following the steps in Section “D” below. Applicants who cannot meet any of the eligibility criteria must apply for an individual permit.

C. THE ESA ELIGIBILITY CRITERIA

The ESA eligibility requirements in Part 1.8 of this permit may be satisfied by documenting that one or more of the following criteria have been met. EPA may notify an applicant to pursue eligibility under Criteria B for specific reasons explained in the notification. While not required, it is suggested that both proposed and candidate species be included in any evaluation. Doing so will provide additional protection to the species and help avoid further delays if a species is formally listed after an application is submitted for permit coverage.

¹ Section 9 of the ESA prohibits any person from “taking” a listed species (e.g., harassing or harming it) unless: (1) the taking is authorized through a “incidental take statement” as part of completion of formal consultation according to ESA section 7; (2) where an incidental take permit is obtained under ESA section 10 (which requires the development of a habitat conservation plan); or (3) where otherwise authorized or exempted under the ESA. This prohibition applies to all entities including private individuals, businesses, and governments.

² For certain actions not relevant to industrial activities in EPA Region 8, discharges to marine waters may require consultation with the National Marine Fisheries Service instead.

- Criteria A. No endangered or threatened species or critical habitat are in proximity to the industrial activity or the point(s) where authorized discharges reach waters of the United States.
- Criteria B. In the course of a separate federal action involving the industrial facility, formal or informal consultation with the fish and wildlife service under Section 7 of the ESA has been concluded.
- Criteria C. An incidental take permit was issued, under Section 10 of the ESA, and that authorization addressed the effects of the storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat.
- Criteria D. You have determined adverse effects are not likely based on an evaluation of the effects of the facility's storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed endangered or threatened species and critical habitat.
- Criteria E. The storm water discharges, allowable non-storm water discharges, and discharge-related activities of the facility were already addressed in another operator's certification of eligibility under Criteria A, B, C, or D above.

D. THE STEPS TO DETERMINE IF THE ESA ELIGIBILITY CRITERIA CAN BE MET

To determine eligibility, you must assess (or have previously assessed) the potential effects of your storm water discharges, allowable non-storm water discharges and discharge-related activities on listed species and critical habitat, PRIOR to completing and submitting an application for permit coverage. You must follow the steps outlined below and document the results of your eligibility determination.

Step 1. Determine If You Can Meet Eligibility Criteria “B”, “C”, or “E”

Criteria B. You can certify eligibility, according to Criteria B, for coverage by this permit if you can answer “Yes” to all of the following questions:

- Has consultation, under ESA Section 7, already been completed for discharges from your facility³?
- Did the previously completed ESA Section 7 consultation consider all currently listed species and critical habitat and address your storm water, allowable non-storm water, and discharge-related activities?
- Did the ESA Section 7 consultation result in either a “no jeopardy” opinion by the Service (for formal consultations) or a concurrence by the service that your activities would be “unlikely to adversely affect” listed species or critical habitat?

³ A formal or informal ESA Section 7 consultation on this or another federal action (e.g., New source review under NEPA, application for a dredge and fill permit under CWA Sec. 404, application for an individual NPDES permit, etc.) addressed the effects of your discharges and discharge-related activities on listed species and critical habitat. (See 50 CFR 402.13).

- If a biological opinion was issued by the FWS, do you agree to implement all measures upon which the consultation was conditioned?

If you answered “Yes” to all four questions above, you have met ESA eligibility Criteria B. Skip to Step 4.

If you answered “No” to any of the four questions above, check to see if you can meet Criteria C or E, or Go to Step 2.

Criteria C. You can certify eligibility, according to Criteria C, for coverage by this permit if you can answer “Yes” to all of the following questions:

- Has an ESA Section 10 permit already been issued for discharges from your facility⁴?
- Does your ESA Section 10 Permit consider all currently listed species and critical habitat, and address your storm water, allowable non-storm water, and discharge related activities, for discharges from your MS4?

If you answered “Yes” to the two questions above, you have met ESA eligibility Criteria C. Skip to Step 4.

If you answered “No” to either of the two questions above, check to see if you can meet Criteria E, or Go to Step 2.

Criteria E. You can certify eligibility, according to Criteria E, for coverage by this permit if you can answer “Yes” to all of the following questions:

- Did another operator previously certify ESA eligibility for your facility area⁵?
- Did the other operator's certification of eligibility consider all currently listed species and critical habitat and address your storm water, allowable non-storm water, and discharge related activities?
- Do you agree to implement all measures upon which the other operator's certification was based?

This situation will typically occur where an ownership of a facility covered by this permit changes. Before you rely on another operator's certification, you should carefully review that certification along with any supporting information. You also need to confirm that no additional species have been listed or critical habitat designated in the area of your facility since the other operator's endangered species assessment was done. If you do not believe that the other operator's certification provides adequate coverage for your facility, you should provide your own independent endangered species assessment and certification.

If you answered “Yes” to all three questions above, you have met ESA eligibility Criteria E. Skip to Step 4.

If you answered “No” to any of the three questions above, Go to Step 2.

Step 2. Determine if You Can Meet Eligibility Criteria “A”

Criteria A. You can certify eligibility, according to Criteria A, for coverage by this permit if you can answer “No” to all of the following questions:

- Are there any listed species or critical habitat in your county?

⁴ You have a permit under section 10 of the ESA and that authorization addresses the effects of your storm water discharges and discharge-related activities on listed species and critical habitat. You must follow FWS procedures when applying for an ESA section 10 permit (see 50 CFR 17.22(b)(1)).

⁵ In order to meet the permit eligibility requirements by relying on another operator's certification of eligibility, the other operator's certification must apply to the location of your facility and must address the effects from your storm water discharges, allowable non-storm water discharges, and discharge-related activities on listed species and critical habitat.

▪ Are there any listed species or critical habitat in proximity to your MS4 or discharge locations? Use the process below to answer these questions, and to: “*Check for Listed Species in Your County*,” “*Check for Critical Habitat in Your County*,” and “*Check for Proximity to Your Facility or Facility Discharge Locations*.”

If you answered “No” to the two questions above, you have met ESA eligibility Criteria A. Skip to Step 4.

If you answered “Yes” to either of the questions above, Go to Step 3.

Check for Listed Species in Your County.

Look at the latest county species list to see if any listed species are found in your county. If you are located close to the border of a county or your facility is located in one county and your discharge points are located in another, you must look under both counties. Since species are listed and de-listed periodically, you will need the most current list at the time you are conducting your endangered species assessment. The nearest FWS field office will have the most current list for your county.

Using the latest County Species List available from FWS and any other relevant information sources, you must determine whether listed species or critical habitat are in proximity to your facility. Listed species and critical habitat are in proximity to a facility when they are:

- Located in the path or immediate area through which or over which contaminated point source storm water flows from the facility to the point of discharge into the receiving water. This may also include areas where storm water from your facility enters groundwater that has a direct hydrological connection to a receiving water (e.g., groundwater infiltrates at your facility and re-emerges to enter a surface waterbody within a short period of time.);
- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters; or
- Located in the area of a facility where storm water BMPs are planned or are to be constructed.

Check for Critical Habitat in Your County.

Some (but not all) listed species have designated critical habitat. Exact locations of such habitat are provided in the endangered species regulations at 50 CFR part 17 and part 226. To determine if facility or discharge locations are within designated critical habitat, you should either:

- Review those regulations (which can be found in many larger libraries); or
- Contact the nearest Fish and Wildlife Service (FWS) field office. A listing of the field offices is provided on the Fish and Wildlife Service web site at <http://www.fws.gov/offices/>; or
- Contact your state Natural Heritage Program. Heritage programs gather, manage, and distribute detailed information about the biological diversity found within their jurisdictions. They frequently have the most current information on listed species and critical habitat. Links to all state Natural Heritage Program web sites are provided on the NatureServe web site at <http://www.natureserve.org/visitLocal/index.jsp>

Check for Proximity to Your Facility or Facility Discharge Locations.

If there are listed species or critical habitat in your county, are they in proximity to your facility or discharge locations? To determine whether listed species are in proximity to your facility, you will need to use the proximity criteria listed in the “Check for Listed Species in Your County” process above. The area in proximity to be searched/surveyed for listed species will vary with the size of the facility, the nature and quantity of the storm water discharges, and the type of receiving waters. You should use the method(s) which allow you to determine, to the best of your knowledge, whether listed species are in proximity to your particular facility.

These methods may include:

- Conducting visual inspections. This method may be particularly suitable for facilities that are smaller in size, facilities located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat and facilities that discharge directly into municipal storm water collection systems. For other facilities, a visual survey may not be sufficient to determine whether listed species are in proximity. However, some species may occur only during certain times of the year (e.g., bald eagle).
- Contacting the nearest State Wildlife Agency or U.S. FWS field offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to state or federal wildlife agencies.
- Contacting local/regional conservation groups such as natural heritage programs. These groups inventory species and their locations and maintain lists of sightings and habitats.
- Conducting a formal biological survey. Facilities with extensive storm water discharges may choose to conduct biological surveys as the most effective way to assess whether listed species are located in proximity and whether there are likely adverse effects.

Step 3. Determine If You Can Meet Eligibility Criteria “D”

Criteria D. You can certify eligibility, according to Criteria D, for coverage by this permit if you can answer “Yes” to all of the following questions:

- Have you determined that your facility’s storm water discharges, allowable non-storm water discharges, and discharge-related activities are “not likely to adversely affect” listed species or critical habitat and/or have you reached agreement with the U.S. FWS on measures to avoid, eliminate, or minimize adverse affects?
 - Do you agree to implement all measures upon which the determination was conditioned?
- Use the process below to understand adverse affect determinations and to answer these questions.

If you answered “Yes” to both questions above, you have met ESA eligibility Criteria D. Go to Step 4.

If you answered “No” to either of the questions above you are not eligible for coverage by this permit. You must submit an individual application for your discharges to EPA. (See 40 CFR 122.33(b)(2))

If you are unable to certify eligibility under Criteria A, B, C, or E, you must assess whether your storm water discharges, allowable non-storm water discharges, and discharge-related activities are likely to adversely affect listed species or critical habitat. “Storm water discharge-related activities” include: activities which cause, contribute to, or result in point source storm water pollutant discharges and measures to control storm water discharges and allowable non-storm water discharges including the siting, construction, operation of best management practices (BMPs) to control, reduce, or prevent water pollution. Please be aware that no protection from incidental takings liability is provided under this criteria.

The scope of effects to consider will vary with each facility. If you are having difficulty in determining whether your facility is likely to cause adverse effects to a listed species or critical habitat, you should contact the appropriate office of the FWS or Natural Heritage Program for assistance. In order to complete the determination of effects, it may be necessary to follow the consultation procedures in section 7 of the ESA. (See Criteria B information above).

Upon completion of your assessment, document the results of your effects determination. If adverse effects are not likely, you are eligible under criteria “D” - proceed to Step 4 of this

Addendum. Your determination may be based on measures that you implement to avoid, eliminate, or minimize adverse affects.

If the determination is “May Adversely Affect.” You must contact the FWS to discuss your findings and measures you could implement to avoid, eliminate, or minimize adverse affects. If you and the service(s) reach agreement on measures to avoid adverse effects, you are eligible under criteria “D”. Any terms and/or conditions to protect listed species and critical habitat that you relied on in order to complete an adverse effects determination must be incorporated into your Storm Water Pollution Prevention Plan (required by the permit) and implemented in order to maintain permit eligibility.

If endangered species issues cannot be resolved. If you cannot reach agreement with the FWS on measures to avoid, eliminate, or reduce adverse effects and the likely adverse effects cannot be otherwise addressed through meeting the other criteria of Part 1.8, then you are not eligible for coverage under this general permit. You must seek coverage under an individual permit.

Effects from storm water discharges, allowable non-storm water discharges, and discharge-related activities which could pose an adverse effect include:

- *Hydrological.* Wastewater or storm water discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of wastewater or storm water discharged and the volume and condition of the receiving water. Where a discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- *Habitat.* Excavation, site development, grading, and other surface disturbance activities, including the installation or placement of storm water ponds or BMPs, may adversely affect listed species or their habitat. Storm water associated with facility operation may drain or inundate listed species habitat.
- *Toxicity.* In some cases, pollutants in storm water may have toxic effects on listed species.

Step 4. Submit Notice of Intent and Document Results of the Eligibility Determination.

Once the Part 1.8 ESA eligibility requirements have been met and you have determined NHPA eligibility (see Appendix C), you may submit the application for permit coverage. Signature and submittal of the application constitutes your certification, under penalty of law, of your eligibility for permit coverage.

You must include documentation of Part 1.8 ESA eligibility in the storm water management plan required for the facility. Documentation required for the various ESA eligibility criteria are as follows:

Criteria A: A copy of the most current county species list pages for the county(ies) where your facility and discharges are located. You must also include a statement on how you determined that no listed species or critical habitat are in proximity to your facility or facility discharge locations.

Criteria B: A copy of the FWS's biological opinion or concurrence on a finding of “unlikely to adversely effect” regarding the ESA Section 7 consultation.

Criteria C: A copy of the FWS's letter transmitting the ESA Section 10 authorization.

Criteria D: Documentation on how you determined adverse effects on listed species and critical habitat were unlikely, including a list of federally listed species expected to exist near the facility, the rationale for determining lack of adverse effect, and a list of potential pollutants.

Criteria E: A copy of the documents originally used by the other operator of your facility (or area including your facility) to satisfy the documentation requirement of Criteria A, B, C or D.

D. DUTY TO IMPLEMENT TERMS AND CONDITIONS UPON WHICH ELIGIBILITY WAS DETERMINED

You must comply with any terms and conditions imposed under the ESA eligibility requirements of PART 1.8 to ensure that your storm water discharges, allowable non-storm water discharges, and discharge-related activities do not pose adverse effects to listed species and/or critical habitat. You must incorporate such terms and conditions into your facility's SWPPP as required by the permit. If the ESA eligibility requirements of Part 1.8 can not be met, then you may not receive coverage under this permit, and must apply for an individual permit.

APPENDIX B – HISTORIC PROPERTIES ELIGIBILITY PROCESS

You must determine whether your facility's storm water discharges, allowable non-storm water discharges, or construction of best management practices (BMPs) to control such discharges, has potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for facilities which are new storm water dischargers and for existing facilities which are planning to construct BMPs for permit eligibility, you should conduct further inquiry to determine whether historic properties may be affected by the storm water discharge or BMPs to control the discharge. In such instances, you should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are "eligible for listing").

EPA suggests that you first access the "National Register of Historic Places" information listed on the National Park Service's web page: <http://www.cr.nps.gov/nr>. Addresses for the State Historic Preservation Officers are listed in this appendix. You may also contact city, county or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following three scenarios describe how you can meet the permit eligibility criteria for protection of historic properties under this permit:

- (1) If historic properties are not identified in the path of a facility's storm water and allowable non-storm water discharges or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), then you have met the NHPA eligibility criteria in Part 1.9 of this permit.
- (2) If historic properties are identified but it is determined that they will not be affected by the discharges or construction of BMPs to control the discharge, you have met the NHPA eligibility criteria in Part 1.9 of this permit.
- (3) If historic properties are identified in the path of a facility's storm water and allowable non-storm water discharges or where construction activities are planned to install BMPs to control such discharges and it is determined that there is the potential to adversely affect the property, you can still meet the NHPA eligibility criteria under Part 1.9 of this permit, if you obtain and comply with a written agreement with the State Historic Preservation Officer which outlines measures you will follow to mitigate or prevent those adverse effects.

The contents of such a written agreement must be included in your SWPPP.

In situations where you cannot reach agreement with the State Historic Preservation Officer, you should contact the Advisory Council on Historic Preservation (ACHP) for assistance. If you cannot reach agreement with the ACHP's assistance on measures to mitigate or prevent adverse effects and the likely adverse effects cannot be otherwise addressed through meeting the other criteria of Part 1.9, then you are not eligible for coverage under this general permit. You must seek coverage under an individual permit.

The term "adverse effects" includes, but is not limited to, damage, deterioration, alteration, or destruction of the historic property or place. EPA encourages you to contact the State Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

You are reminded that they must comply with applicable State and local laws concerning the protection of historic properties and places.

INTERNET INFORMATION ON THE NATIONAL REGISTER OF HISTORIC PLACES

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior.

An electronic listing of the "National Register of Historic Places," as maintained by the National Park Service, can be accessed on the Internet at: <http://www.cr.nps.gov/nr>

STATE HISTORIC PRESERVATION OFFICERS (SHPO)

A current listing of all state historic preservation officers is located on the National Conference of State Historic Preservation Officers web site at <http://www.ncshpo.org>

ADVISORY COUNCIL ON HISTORIC PRESERVATION

The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that promotes the preservation, enhancement, and productive use of our Nation's historic resources and advises the President and Congress on national historic preservation policy.

The goal of the National Historic Preservation Act (NHPA), which established ACHP in 1966, is to have Federal agencies act as responsible stewards of our Nation's resources when their actions affect historic properties. ACHP is the only entity with the legal responsibility to encourage Federal agencies to factor historic preservation into Federal project requirements.

As directed by NHPA, ACHP serves as the primary Federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting our Nation's heritage; advocates full consideration of historic values in Federal decision making; and reviews Federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies.

Main Office

Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004
Phone: (202) 606-8503
Fax: (202) 606-8647/8672
E-mail: achp@achp.gov
Internet: <http://www.achp.gov>

Western Office

Advisory Council on Historic Preservation
12136 West Bayaud Avenue, Suite 330
Lakewood, Colorado 80228
Phone: (303) 969-5110
Fax: (303) 969-5115